

Senate File 2049 - Introduced

SENATE FILE 2049

BY JOHNSON

A BILL FOR

1 An Act authorizing a school district to petition to join the
2 nearest contiguous area education agency.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 273.5, subsection 2, Code 2014, is
2 amended to read as follows:

3 2. ~~Insure~~ Ensure that each child requiring special
4 education in the area, or served by an area education agency
5 pursuant to section 273.16, receives an appropriate special
6 education program or service.

7 Sec. 2. NEW SECTION. 273.16 School district petition to
8 join.

9 1. a. The board of directors of a school district may
10 submit, to the board of directors of the nearest area education
11 agency that is contiguous to the area education agency in
12 which the school district is located, a petition to join the
13 contiguous area education agency. If the contiguous area
14 education agency approves the petition, the contiguous area
15 education agency shall submit the petition to the state board
16 of education for approval. If the state board of education
17 approves the petition, the state board shall provide notice of
18 its approval to the department of education and the department
19 of management, and the director of the department of education
20 shall change the boundaries of affected area education agencies
21 as necessary.

22 b. A school district may appeal to the state board the
23 decision of an area education agency board to deny the school
24 district's petition.

25 2. Notwithstanding any provision of this chapter or
26 chapter 256B to the contrary, if a school district's petition
27 is approved pursuant to subsection 1, the contiguous area
28 education agency shall furnish educational services and
29 programs as provided in sections 273.1 through 273.9 and
30 chapter 256B to pupils enrolled in accredited nonpublic schools
31 located within the school district's boundaries.

32 3. A school district approved to join a contiguous area
33 education agency pursuant to this section shall be eligible to
34 petition to join another area education agency as provided in
35 subsection 1 in not less than five years.

1 4. For purposes of this chapter and chapter 256B, a school
2 district approved to join the nearest contiguous area education
3 agency pursuant to this section shall thereafter be considered
4 to be located within the boundaries of the contiguous area
5 education agency unless and until the school district
6 petitions to join another area education agency, as provided in
7 subsection 3, and such petition is approved.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill enacts new Code section 273.16 authorizing a board
12 of directors of a school district to petition to join the
13 nearest area education agency (AEA) that is contiguous to the
14 AEA within which the school district is currently located.

15 If the contiguous AEA approves the petition, it must submit
16 the petition to the state board of education for approval. If
17 the state board of education approves the petition, the state
18 board must provide notice of its approval to the department of
19 education and the department of management, and the director
20 of the department of education must change the boundaries of
21 affected AEAs as necessary. A school district may appeal to
22 the state board the decision of an AEA board to deny the school
23 district's petition.

24 If a school district's petition is approved, the contiguous
25 AEA shall furnish educational services and programs as provided
26 in Code sections 273.1 through 273.9, and Code chapter 256B
27 to pupils enrolled in accredited nonpublic schools located
28 within the school district's boundaries. The bill directs
29 the director of special education of each AEA to ensure that
30 each child served by the area education agency pursuant to
31 Code section 273.16 receives an appropriate special education
32 program or service.

33 A school district approved to join a contiguous AEA is
34 eligible to petition to join another AEA, which must also be
35 nearest and contiguous to the AEA in which the school district

1 is located, in not less than five years.

2 A school district approved to join a contiguous AEA shall
3 be considered to be located in the contiguous AEA's area and
4 within its boundaries for purposes of the contiguous AEA's
5 powers and duties under Code chapters 256B and 273.